

REMARKS

Claims 1-20 are pending in the application.

Claims 1 and 3 have been objected to because of informalities requiring punctuation changes. Applicant has amended the claims as suggested by the examiner.

Claims 1-20 have been rejected under 35 USC 112, second paragraph as being indefinite. In claims 1 and 3, the examiner finds the phrases "when the pedal lever stop means slides past... position behind said bearing block stop means" to be indefinite. In claim 3, the examiner finds the phrases "generally protruding" to be indefinite. Applicant has amended claims 1 and 3 as required.

Reconsideration of the rejection of claims 1-2, 12, 13, 16, 17 and 20 under 35 USC102(b) as being anticipated by US Patent No. 6,520,046 to Djordjevic al is respectfully requested.

Claim 1 is directed to an accelerator pedal module (1) for controlling the power of a driving engine, in particular an internal combustion engine of a vehicle, comprising:

a bearing block (4);

a pedal lever (2) held rotatably about a pivot axis (20) by means of a pivot connection on the bearing block (4);

bearing block stop means (30) on the bearing block;

pedal lever stop means (58) on the pedal lever engaged with the bearing block stop means (30) during establishment of the pivot connection, wherein said pivot connection is established by relative rotation about said pivot axis between the pedal lever (2) and the

bearing block (4) at a point of relative rotation at which the pedal lever stop means slides past said bearing block stop means *from a first position wherein said pedal lever stop means engages with said bearing block stop means in front of said bearing block stop means to a second position wherein said pedal lever stop means engages with said bearing block stop means behind said bearing block stop means;*

at least one of said bearing block stop means or said pedal lever stop means comprising *elastically deforming means that deform during the establishment of said pivot connection* thereby allowing said pedal lever stop means to slide past said bearing block stop means *from said first position to said second position during deformation of said elastically deforming means and said elastically deforming means spring back from deformation when said pedal lever stop means engages behind said bearing block stop means.*

Djordjevic is relied upon for showing bearing block 14, pedal lever 12, bearing block stop means 20 on the bearing block 14, and pedal lever stop means 21 on the pedal lever 12. The pedal lever stop is resiliently prestressed against the bearing block stop 20 (by spring assembly 16).

Applicant notes the examiner's position that the pedal lever stop and the bearing block stop prevent the pedal lever and the bearing block from becoming pivotally disengaged, as intended by the invention. The pedal lever 12 of Djordjevic is pivotably supported in the bearing block 14 in the conventional way with the aid of the shaft 34. This kind of bearing is completely independent of the stop 21 (on the lever 12) and of the stop 20 (on the bearing block). This can be seen quite clearly if one thinks of the stop 21 as being omitted. Even then, the pedal lever 12

would continue to be pivotably supported on the bearing block 14 with the aid of the shaft 34. If there were no stop 21, then the pedal lever 12 would still be pivotably supported, and no pivot bearing would fall apart; instead, the pedal lever 12 would merely rotate counterclockwise, until the tension of the spring 16 has been exhausted and/or until finally a different point of the pedal lever 12 strikes the bearing block 14. As such, Djordjevic does not anticipate the invention.

Furthermore, the pedal module according to the invention, due to the elasticities in the region of the pedal lever stop means and/or in the region of the bearing block stop means, the pedal lever 2 can be easily put together with the bearing block 4 during the establishment of the pivot connection. In Djordjevic there are no stops, acting between the pedal lever and the bearing block, that yield upon assembly and then return to their original position again so that the pedal lever can be easily connected to the bearing block. Djordjevic lacks any element which elastically deforms during pivotal engagement of the pedal lever with the bearing block. The examiner considers claim 1 to have functional language which does not distinguish the claim over Djordjevic, and argues that the elements required by the functional language are present and capable of performing the recited functions. The examiner argues that the all material is capable of deforming and that the term "deformable" does not require actual deformation.

In response to this Applicant has amended claim 1 to more distinctly claim the invention in order to distinguish the invention over the prior art. The accelerator pedal module of claim 1 requires at least one of said bearing block stop means or said pedal lever stop means comprising *elastically deforming means that deform during the establishment of said pivot connection* thereby allowing said pedal lever stop means to slide past said bearing block stop means from

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said first position to said second position *during deformation of said elastically deforming means and said elastically deforming means spring back from* deformation when said pedal lever stop means engages behind said bearing block stop means. These features are not disclosed or suggested in the least by Djordjevic.

Therefore withdrawal of the rejection and allowance of the claims is respectfully requested.

The examiner has indicated that claim 3 would be allowable if amended to overcome the rejection under 35 USC 112, and that claims 4 -11, 14, 15, 18 and 19 are objected to for being dependent on a rejected base claim but would also be allowable.

Claim 3 has been amended to overcome the rejection under 35 USC 112, as discussed above.

Entry of the amendment and allowance of the claims is respectfully solicited.

Respectfully submitted,



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